

Amendments to the Drawings:

The drawing sheet attached in connection with the above-identified application containing Fig. 1 is being presented as a new formal drawing sheet to be substituted for the previously submitted drawing sheet. Fig. 1 is amended. Appended to this amendment is an annotated copy of the previous drawing sheet which has been marked to show the changes presented in the replacement sheet.

The specific changes which have been made to Fig. 5 is the additions of reference numeral "5" and its corresponding leader line.

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, Claims 21-27 and 29-37 are now pending in this application.

Applicants wish to thank the Examiner for the careful consideration given to the claims as well as indicating that claims 21-27, 29-32, and 37 contain allowable subject matter.

Rejection of claims 30-32 and 36 based on 35 U.S.C. 112

Claims 30-32 and 36 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for antecedent basis issues. Claims 30 and 36 have been amended to correct these minor issues. For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

The Applicants note that the claim amendments described above are intended to clarify the language used in the amended claims, and are in no way intended as limiting or to obtain patentability of such claims. Accordingly, it is believed by the Applicants that the amendments made to the claims in no way impair the ability of the Applicants to obtain the full scope of such claims as may be available under the Doctrine of Equivalents.

Drawing objection

An objection has been raised with respect to the drawings because reference numeral "5" is not shown in any of the Figures. Fig. 1 has been amended to include reference numeral "5" and its corresponding leader line. For at least this reason, favorable reconsideration of the objection is respectfully requested.

Specification objection

An objection has been raised with respect to the specification because of various grammatical and/or typographical errors. The specification has been amended to correct these minor issues, and copies of the clean and mark-up versions of the substitute specification with the changes are being submitted herewith. No new matter has been added to the specification. For at least this reason, favorable reconsideration of the objection is respectfully requested.

Rejection of claims 33-36 based on Yamada and Kusterle

Claims 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,040,702 (“Yamada”) and U.S. Patent 1,876,010 (“Kusterle”). For at least the following reasons, this rejection is traversed.

Claim 33 recites, among other things, a seat for mounting in a vehicle, the seat having a seat back, a seat base and a pivotable leg capable of being automatically retracted. The seat comprises: a cable for automatically retracting the leg wherein a first end of the cable is anchored to a stationary portion of the seat and a second end of the cable is connected to the leg; and a biasing member for biasing the leg in a direction opposite the direction that the cable retracts the leg. The cable is configured so that when the seat base moves from a seating position to a retracted position the leg is automatically retracted by the cable to a position adjacent the seat base.

No combination of Yamada and Kusterle teaches or suggests this combination of features. For instance, Yamada does not teach or suggest a cable with a first end of the cable being anchored to a stationary portion of the seat. The PTO asserts that the cable 43 of Yamada is the cable of claim 33. (Page 5 of the Office Action.) However, this cable 43 does not have a first end which is anchored to a stationary portion of the seat. The wire cable 43 of Yamada has a first end 43A extending toward the front side of the seat bottom 14 from the lock mechanism 18 and second end 43C extending toward the back side of the seat bottom 14. (Column 2, line 63 to column 3, line 3 of Yamada.) Neither of these ends 43A and 43C are anchored to a stationary portion of the seat. The first end 43A is connected to the release lever 29 of the lock mechanism 18, and when displacing the leg member 17 from the retracted position to the support position, the first end 43A is moved from the back side to the front side of the framework 20. The second end 43C is connected to the hook 38 of the attaching tool 36, and when displacing the leg member 17 from the retracted position to the support position, the second end 43C is moved from the front side to the back side of the framework 20. (Column 3, lines 23-39 of Yamada.) Because the ends of the cable 43 of Yamada are not fixed, Yamada does not teach or suggest a cable with a first end of the cable that is anchored to a stationary portion of the seat.

Kusterle does not cure the deficiencies of Yamada because Kusterle does not teach a cable with a first end of the cable that is anchored to a stationary portion of the seat. Because

neither Yamada nor Kusterle does not teach or suggest a cable with a first end of the cable that is anchored to a stationary portion of the seat, claim 33 is allowable.

Also, the operation of the device of Yamada relies upon the connections of the first and second ends of cable 43 being connected to movable parts so that the lock mechanism of Yamada can fulfill its function of allowing the seat bottom to be released from its retracted position by the movement of the leg member from its retracted position to its support position. (Column 1, lines 45-48 of Yamada.) Any proposed modification involving the anchoring of one of the ends of the cable 43 of Yamada would either (1) make the system of Yamada unsuitable for its intended purpose and/or (2) change the principle of operation of the system of Yamada. As indicated by MPEP 2143.01,¹ such proposed modifications would be non-obvious. Because any proposed modification of Yamada involving the anchoring of one of the ends of the cable 43 would be non-obvious, claim 33 is allowable.

Claims 34-36 depend from and contain all the features of claim 33, and are allowable for the same reasons as claim 33, without regard to the further patentable features contained therein.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

¹ MPEP 2143.01 provides:

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) ...

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 7/24/09

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5349
Facsimile: (202) 672-5399

By Matthew J. Kremer

Matthew J. Kremer
Attorney for Applicants
Registration No. 58,671

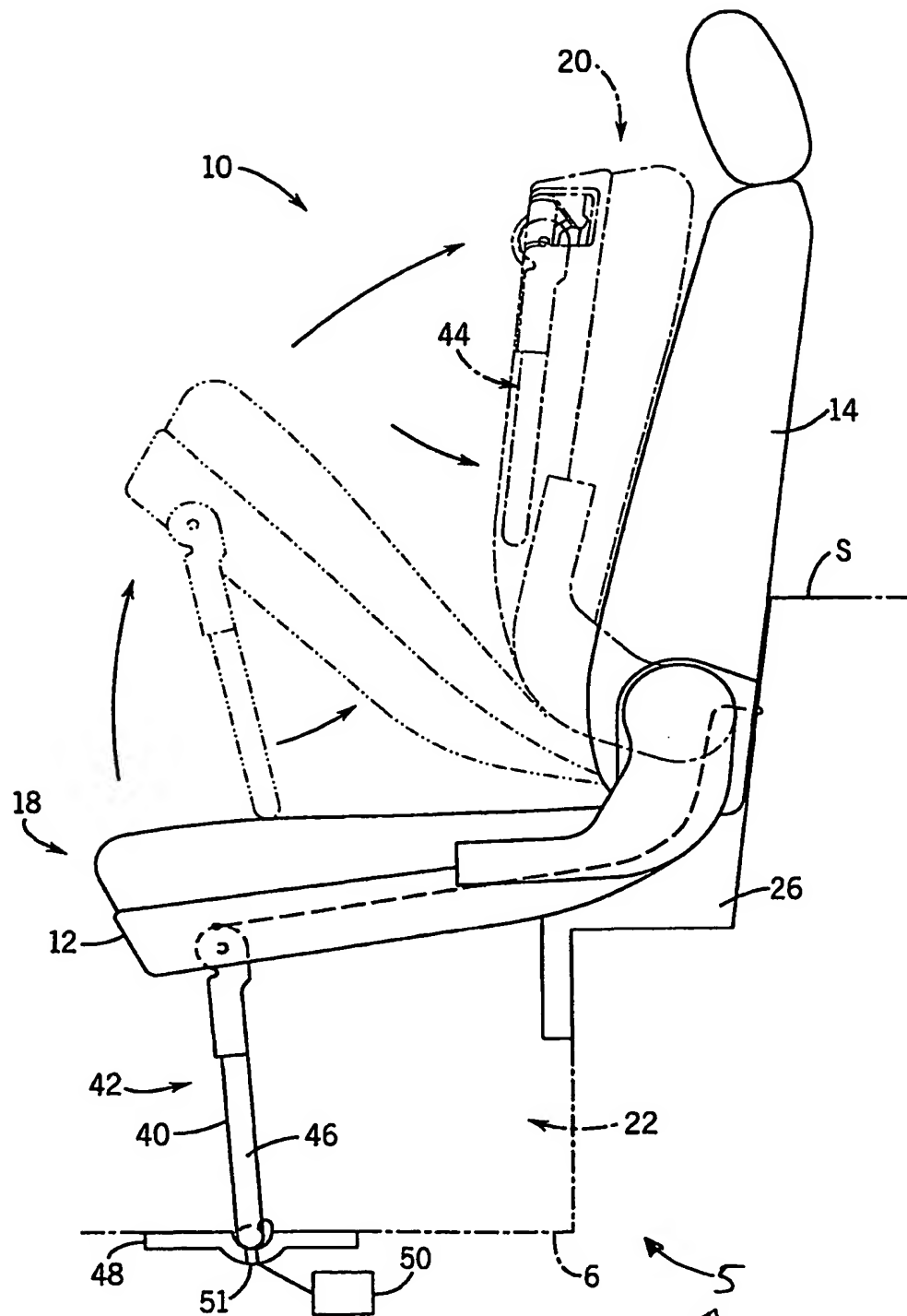


FIG. 1

ADD REFERENCE
NUMERAL AND
LEADER LINE